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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,118	08/25/2004	Donald R. Moody	018300.001719	5117
24239 7590 10/14/2008 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
SMITH, MATTHEW J				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/711,118

**Applicant(s)**

MOODY, DONALD R.

**Examiner**

Matthew J. Smith

**Art Unit**

3635

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 6, 8 and 10-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 8, 10, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
- Paper No(s)/Mail Date 19 Aug 19 Sep 08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 10, and 32 rejected under 35 U.S.C. 102(b) as being anticipated by Loeffler et al. (5653079).

Loeffler et al. disclose, in Fig. 2, a framing component comprising: an elongated planar web 11 including a longitudinal axis, a first edge parallel to the longitudinal axis, a second edge parallel to the longitudinal axis, a first side, and a second side; a first planar tab 30 extending from the first edge at approximately a 90 degree angle from the first side; a second planar tab 29 extending from the first edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab; and a third planar tab 19 extending from the second edge at approximately a 90 degree angle from the second side in the direction opposite that of the first tab; the third tab 19 in longitudinal registration with the first tab 30 and the second tab 29 longitudinally adjacent to the first tab; and a fourth planar tab 18 extending from the second edge in longitudinal registration with the second tab, at approximately a 90 degree angle from the first side, and in the same direction as that of the first tab.

This reference also discloses a framing component comprising: an elongated planar web 11 including a longitudinal axis, a first edge parallel to the longitudinal axis, a second edge parallel to the longitudinal axis, a first side, and a second side; a first

planar tab 30 extending from the first edge at approximately a 90 degree angle from the first side; a second planar tab 29 extending from the first edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab; a third planar tab 19 extending from the second edge at approximately a 90 degree angle from the second side in the direction opposite that of the first tab; a fourth planar tab 18 extending from the second edge at approximately a 90 degree angle from the first side in the same direction as that of the first tab; the first and third tabs in longitudinal registration; and the second and fourth tabs in longitudinal registration and longitudinally adjacent to the first and third tabs.

This reference further discloses a framing component comprising: an elongated planar web 11 including a longitudinal axis, a first edge parallel to the longitudinal axis, and a second edge parallel to the longitudinal axis; planar tabs 18, 19, 29, 30 extending from the first edge and the second edge; tabs that extend from a first longitudinal position and from opposite edges form a "Z" shape with the web; and tabs that extend from a second longitudinal position adjacent to the first longitudinal position and extend from opposite edges form an inverted "Z" shape with the web.

Claims 1, 6, 8, 10, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (6640516).

Thompson discloses, in Fig. 5, a thermal framing component comprising: an elongated planar web 2 including a longitudinal axis, a first edge parallel to the

longitudinal axis, a second edge parallel to the longitudinal axis, a first side, and a second side; a first planar tab 14 extending from the first edge at approximately a 90 degree angle from the first side; a second planar tab 7 extending from the first edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab; a third planar tab 4 extending from the second edge at approximately a 90 degree angle from the second side in the direction opposite that of the first tab; the third tab 4 in longitudinal registration with the first tab 15 and the second tab 7 longitudinally adjacent to the first tab; a fourth planar tab 4 extending from the second edge in longitudinal registration with the second tab 7 at approximately a 90 degree angle from the first side in the same direction as the first tab; the planar tabs extending from the first edge in alternating position between a 90 degree angle from the first side and a 90 degree angle from the second side in a direction opposite the first tab; planar tabs extending from the second edge in alternating position between a 90 degree angle from the first side and a 90 degree angle from the second side in the direction opposite the first tab; the tabs extending from the first edge at a 90 degree angle from the first side in longitudinal registration with the tabs extending from the second edge at a 90 degree angle from the second side in a direction opposite the first tab; and the tabs extending from the first edge at a 90 degree angle from the second side in the direction opposite the first tab in longitudinal registration with the tabs extending from the second edge at a 90 degree angle from the first side.

This reference also discloses a thermal framing component comprising: an elongated planar web 2 including a longitudinal axis, a first edge parallel to the

longitudinal axis, a second edge parallel to the longitudinal axis, a first side, and a second side; a first planar tab 14 extending from the first edge at approximately a 90 degree angle from the first side; a second planar tab 7 extending from the first edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab; a third planar tab 4 extending from the second edge at approximately a 90 degree angle from the second side in the direction opposite that of the first tab; a fourth planar tab 4 extending from the second edge at approximately a 90 degree angle from the first side in the same direction as the first tab; the first and third tabs in longitudinal registration; and the second and fourth tabs in longitudinal registration and longitudinally adjacent to the first and third tabs.

This reference further discloses a thermal framing component comprising: an elongated planar web 2 including a longitudinal axis, a first edge parallel to the longitudinal axis and a second edge parallel to the longitudinal axis; planar tabs 7, 14 extending from the first edge and planar tabs 4 extending from the second edge; tabs that extend from a first longitudinal position and from opposite edges form a "Z" shape with the web; and tabs that extend from a second longitudinal position adjacent to the first longitudinal position and that extend from opposite edges form an inverted "Z" shape with the web.

This reference finally discloses a thermal framing system comprising: a thermal framing component including: an elongated planar web 2 including a longitudinal axis, a first edge parallel to the longitudinal axis, a second edge parallel to the longitudinal axis, a first side, and a second side; a first planar tab 14 extending from the first edge at

approximately a 90 degree angle from the first side; a second planar tab 7 extending from the first edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab 14; a third planar tab 4 extending from the second edge at approximately a 90 degree angle from the second side in a direction opposite that of the first tab; the first and third tabs in longitudinal registration; the first and second tabs longitudinally adjacent; the second and third tabs form a longitudinal insulation slot; and a rigid insulation sheet S2 including a sheet edge disposed in the insulation slot.

Claims 2, 4, 7, and 11-31 are withdrawn.

### ***Response to Arguments***

Applicant's arguments, see page 12, filed 19 August 2008, with respect to the 35 U.S.C. 102 and 103 rejections have been fully considered and are persuasive. The 35 U.S.C. 102 and 103 rejections of claims 1, 3, 6, 8, 10, 32, and 33 have been withdrawn.

The examiner contends Loeffler et al. and Thompson disclose the design concept in the pending claims. No opinion has been offered with respect to the withdrawn claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./  
Examiner, Art Unit 3635  
24 September 2008